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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,596	04/06/2005	Jurgen Fischer	P/63694	6919
156 7590 04/23/2008 KIRSCHSTEIN, OTTINGER, ISRAEL & SCHIFFMILLER, P.C. 489 FIFTH AVENUE NEW YORK, NY 10017				
EXAMINER SINGH, DALZID E				
ART UNIT 2613		PAPER NUMBER		
MAIL DATE 04/23/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/530,596

Applicant(s)

FISCHER ET AL.

Examiner

Dalzid Singh

Art Unit

2613

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23-34 and 37-42 is/are allowed.
- 6) ☒ Claim(s) 35 and 36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 35 and 36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 35 and 36 recite "wherein the test signal is receiver specific." It is unclear what is meant by *receiver specific*. Is the test signal formatted specific to receiver or contain address of specific receiver?

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heiling et al (US Patent No. 5,136,410) in view of Darcie et al (US Patent No. 5,559,624).

Regarding claim 35, Heiling et al disclose a transmitter for an optical information transmission system, comprising:

an optical output port, an enable signal input, and a modulated radiation source for providing an optical information signal at the optical output port when an enable signal is present at the enable control input, the radiation source being operative to output a coded optical test signal at the optical output port when the enable signal is not applied (see Fig. 2 and paragraphs 24-46, 53-71 and 73-81).

Heiling et al do not specifically disclose that the test signal is receiver specific. Darcie et al teach transmitting signal which is receiver specific (see col. 5, lines 31-66 and col. 10, lines 30-39). Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to transmit signal which is receiver specific. One of ordinary skill in the art would have been motivated to do this in order to transmit specific information for individual receiver.

Regarding claim 36, a receiver for an optical information transmission system, comprising:

an optical input port, an enable signal output, and a decoder for comparing a code contained in a test signal applied to the optical input port with an expected code, and for generating an enable signal upon coincidence of the codes (see paragraphs 53-71 and 73-81).

Heiling et al do not specifically disclose that the test signal is receiver specific. Darcie et al teach transmitting signal which is receiver specific (see col. 5, lines 31-66

and col. 10, lines 30-39). Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to transmit signal which is receiver specific. One of ordinary skill in the art would have been motivated to do this in order to transmit specific information for individual receiver.

5. Claim 36 is rejected under 35 U.S.C. 102(b) as being anticipated by Pederson et al (US Patent No. 6,243,195) in view of Darcie et al (US Patent No. 5,559,624).

Regarding claim 36, a receiver for an optical information transmission system, comprising:

an optical input port, an enable signal output, and a decoder for comparing a code contained in a test signal applied to the optical input port with an expected code, and for generating an enable signal upon coincidence of the codes (see Fig. 2 and paragraphs 15-20).

Heiling et al do not specifically disclose that the test signal is receiver specific. Darcie et al teach transmitting signal which is receiver specific (see col. 5, lines 31-66 and col. 10, lines 30-39). Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to transmit signal which is receiver specific. One of ordinary skill in the art would have been motivated to do this in order to transmit specific information for individual receiver.

Allowable Subject Matter

6. Claims 23-34 and 37-42 are allowed.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalzid Singh whose telephone number is (571) 272-3029. The examiner can normally be reached on Mon-Fri 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dalzid Singh/
Primary Examiner
Art Unit 2613